

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,  
Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO,  
ET AL.,

Defendants.

No. 3:12-cv-2039 (GAG)

**RESPONSE TO DEFENDANTS' MOTION REQUESTING A  
HEARING IN CHAMBERS**

PLAINTIFF, United States of America, submits this response to Defendants' Motion Requesting a Hearing in Chambers (Dkt. #506) to address the concerns raised in the motion, specifically that an "alleged source" issued a statement to the press that "federal authorities" had serious concerns regarding Puerto Rico's Department of Public Safety Act. The United States does not oppose such a hearing, and would submit that such a hearing may aid communications between the Parties and the Technical Compliance Advisor (TCA) going forward, in accordance with Paragraph 253 of the Agreement for the Sustainable Reform of the Puerto Rico Police Department (Reform Agreement) and this Court's related orders.

1. The Reform Agreement does not prohibit the consolidation of the Puerto Rico Police Department (PRPD) with other agencies, as set forth in the Department of Public Safety Act. The Reform Agreement remains binding on all Parties and provides, in relevant part:

If the Commonwealth of Puerto Rico establishes or reorganizes a government agency or entity whose function includes overseeing, regulating, accrediting, investigating, training, or reviewing the operations of PRPD, any aspect thereof, or of its officers, the Commonwealth of Puerto Rico agrees to ensure that these functions and entities are

consistent with the terms of this Agreement and shall incorporate, to the extent possible under applicable law, the terms of this Agreement into the oversight, regulatory, accreditation, investigation, training, or review functions of the government agency or entity as necessary to ensure full implementation of this Agreement.

Reform Agreement ¶286.

2. The United States has maintained direct communication with Defendants and the TCA on Defendants' plans to consolidate PRPD, including holding in-person meetings on February 22 and March 24, 2017. On April 6 and 7, the United States informed Defendants and the TCA that it had no further questions on the Department of Public Safety Act and appreciated the amendments that were made in furtherance of the Reform Agreement. The United States also informed Defendants and the TCA that it looked forward to working collaboratively on the consolidation of PRPD to ensure continued progress in the implementation of the Reform Agreement. The United States did not issue any public statements or communicate with the press at any time in connection with the Department of Public Safety Act.
3. The in-chambers hearing requested by Defendants is consistent with Paragraph 253 of the Reform Agreement and this Court's written directives. Paragraph 253 provides, in relevant part, "The TCA shall maintain regular contact with the Parties in order to ensure effective and timely communication regarding the status of implementation of and compliance with this Agreement."<sup>1</sup>

The United States reaffirms that all comments and positions on the Department of Public Safety Act were and shall be communicated directly to Defendants and the TCA, and that neither the United States nor its representatives issued a statement to the press regarding the legislation.

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<sup>1</sup> As part of this responsibility, the TCA holds monthly conferences with the Parties, including PRPD's Reform Unit.

A hearing in chambers may be helpful to understand the source of apparent misunderstanding, and reduce the likelihood of misunderstanding in the future.

WHEREFORE, the United States respectfully requests that this Court take notice of its Response and grant Defendants' Motion Requesting a Hearing in Chambers.

Respectfully submitted, this 17th day of April, 2017,

STEVEN H. ROSENBAUM  
Chief

TIMOTHY D. MYGATT  
Deputy Chief

s/ Luis E. Saucedo  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 17, 2017, a copy of the foregoing Response to Defendants' Motion Requesting a Hearing in Chambers was filed electronically with the Clerk of Court using the CM/ECF System, which will provide notice of such filing to all registered parties.

*s/Luis E. Saucedo*  
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